in the Madras Presidency, be paid by our Government as stipend to such students."

14. Music before places of worship.

Mr. K. Ayyappan.—"This Council, in view of the estrangement of feeling between communities that has begun to manifest itself in the State in connection with the question of stopping music before places of worship recommends to the Government to issue a notification to the effect either that no procession needstop music before any place of worship or that all processions should stop it before all places of worship of all castes and creeds."

എന്റെ നിശ്ചയം ഇപ്പോഴും വളരെ അത്യാവശ്യമായി ഒന്നാണ്. നമ്മുടെ രാജ്യത്ത് പള്ളികളുടേയും അമ്പലങ്ങളുടേയും മുമ്പിൽ കൂടി വാദ്യം നിറുത്താതെ ഘോഷയാത്ര പോകുന്നതിനെ പറ്റി ഒരു വഴക്കും ഉണ്ടായിരുന്നില്ല. എന്നാൽ ഇപ്പോൾ സ്ഥിതിഗതികൾ മാറിയിരിയ്ക്കുന്നു. നിറുത്തണമെന്നും, നിറുത്തുകയില്ലെന്നുമുള്ള നിർബന്ധം വന്നിരിയ്ക്കുന്നു. നിറുത്തണമെന്നുള്ള നിർബ്ബന്ധം ചിലരെ സംബന്ധിച്ചിടത്തോളം അവർക്ക് കീഴ്നടപടിവിടരുതെന്നുള്ള പിടിയാണ്. വേറെ ചിലരെ സംബന്ധിച്ചിടത്തോളം മുഷ്ടി മാത്രമാണ്. നിറുത്തുകയില്ലെന്നുള്ള നിർബ്ബന്ധം നിറുത്തുന്നതു് തങ്ങൾക്കു് അക്ഷേപമാണെന്നുള്ളതുകൊണ്ടോ, ഇപ്പോൾ അമ്പലങ്ങളുടെ മുമ്പിലും, പള്ളികളുടെ മുമ്പിലും കൂടി പോകുമ്പോൾ എല്ലാ സമുദായക്കാരും വാദ്യഘോഷം നിറുത്തുന്നില്ല; പിന്നെ തങ്ങൾ മാത്രം നിറുത്തുന്നതു പോരായ്മയാണ് എന്നുള്ള ചിലരുടെ വിചാരമാണ്. ഇതിനെല്ലാം എന്തെങ്കിലും ഒരു തീരുമാനം ഗവർമ്മെണ്ടിൽ നിന്നും ഉണ്ടാക്കിയില്ലെങ്കിൽ എപ്പോഴും ഇതിനെപ്പറ്റി ഗവർമ്മെണ്ടിനു് പരാതി കിട്ടിക്കൊണ്ടിരിയ്ക്കും. ഈ അടുത്തകാലത്തുതന്നെ ഇതു നിറുത്തുന്നതിനെ പറ്റി പല കുഴപ്പങ്ങളും ഉണ്ടായിട്ടുണ്ടു്. ചില മജിസ്ട്രേട്ടന്മാർ നിറുത്തേണ്ടതാണെന്നും, ചില മജിസ്ട്രേട്ടന്മാർ നിറുത്തണമെന്നും ഉത്തരവു് ഇട്ടിട്ടുണ്ടു്. ഈ നിസ്സാരമായ കാര്യത്തെ സംബന്ധിച്ചു് വടക്കെ ഇൻഡ്യയിൽ എത്ര ലഹളയാണുള്ളതെന്നും, ഈ കഥയിലുൾപ്പെട്ടിരിയ്ക്കുന്നതിൽ എത്ര പള്ളികളാണു്, അമ്പലങ്ങളാണു് നശിച്ചതെന്നും, എത്ര സ്ത്രീകളുടെ മാനഭംഗമാണു് വന്നിട്ടുള്ളതെന്നും, എന്തൊക്കെയാണു് നാശമായി പോയതെന്നും ആലോചിച്ചു നോക്കണം. ഈ വഴക്കു് അടുത്തകാലത്തുതന്നെ നമ്മുടെ രാജ്യത്തും വന്നിട്ടുണ്ടു്. അതു് ഇനിയും വരാതിരിയ്ക്കുവാൻ സൂക്ഷിയ്ക്കണം. അതിനു വേണ്ടിയാണു് ഞാൻ ഈ നിശ്ചയം അവതരിപ്പിയ്ക്കുന്നതു്. കഴിയുമെങ്കിൽ നിറുത്തണമെന്നു പറയുകയാണെങ്കിൽ എല്ലാ സമുദായക്കാരുടേയും, മതക്കാരുടേയും വാദ്യങ്ങളും എല്ലാ മതക്കാരുടെയും, സമുദായക്കാരുടേയും ദേവാലയങ്ങളുടേയും മുമ്പിൽ വരുമ്പോൾ നിറുത്തണം; അല്ലെങ്കിൽ ആരും ആരുടേയും ദേവാലയങ്ങളുടെ മുമ്പിൽ നിറുത്തേണ്ടാ എന്നു വയ്ക്കണം.

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ഇതിൽ രണ്ടിലേതെങ്കിലും ഒന്നു തീരുമാനിയ്ക്കണം. സഭ ഇ നിശ്ചയത്തെ സ്വീകരിയ്ക്കുമെന്നു തന്നെ ഞാൻ വിശ്വസിയ്ക്കുന്നു.

മിസ്റ്റർ എ. ഈച്ചരമേനോൻ.—ഞാൻ ഈ നിശ്ചയത്തെ പിൻതാങ്ങുന്നു.

The House rose for lunch at 2 p. m. and met again at 3 p. m. with the Deputy President in the Chair.

Mr. K. P. Kannan Nayar.—Sir, the Government cannot find their way to accept the proposals contained in this resolution. The Law regarding the taking of processions with music and other accompaniments through public roads and through the vicinity of places of worship has been clearly laid down in several cases. Lord Dundein delivering the judgment of the Privy Council in a case reported in Indian Law Reports, 47 Allahabad 151 expressed himslf thus:—"There is a right to conduct a religious procession with its appropriate observances along a highway. Persons of whatever sect are entitled to conduct religious processions through public streets by the public and subject to such directions as the Magistrates may lawfully give to prevent obstruction of the thoroughfare or breaches of the public peace". This view has been followed as the correct Law on the subject by all the Brttish Indian High Courts. In a recent case that came up for decision before the Allahabad High Court, His Lordship Justice Suliman exhaustively dealt with the matter and after reviewing the case Law on the subject said thus.—"There is a right in every community to take out a religious procession with its appropriate observances along a highway. This is an inherent right and does not depend on the proof of any custom or long established practice".

Worshippers in a mosque or temple which abuts on a highway have no right to compel processionists to stop their music completely while passing a mosque or temple on the groud that there was continuous worship inside it. Even if music, whether religious or not, offends against the religious sentiments of another community, it cannot be objected to on that ground. The stopping of the music would offend the religious sentiments of the processionists just as much as its continuance may offend the religious sentiment of the other. There can therefore be no right to insist on its complete stoppage. In the course of his judgment the learned Judge observed thus: "There is no right to commit a public nuisance on a highway, nor is there any absolute right to commit a private nuisance against a particular individual. But all music however bad cannot amount either to a public nuisance or a private nuisance even though it may annoy occupiers of dwelling houses situated on the road." "Finally he held that a Civil Court can grant a declaration to the effect that certain persons both in their individual capacity or as members of a community have a right to take out religious and social processions accompanied by music along public roads even while passing mosques subject to any orders or directions issued by the Magistrate or the Police for preventing breaches of the public peace or obstruction of thoroughfares or

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for other matters mentioned in Section 144 of the Criminal Procedure Code or under statutory provisions or for regulation of traffic provided that the exercise of such right does not amount to a nuisance recognised by Law". "There is no definite legal measure for a noise becoming a nuisance. It is purely a question depending on the facts of each case including the degree of its intensity, its place, its time, the mode of committing it, its duration and all the surrounding circumstances. The standard of judging it is according to that of men of ordinary habits and not of men of fastidious tastes or of oversensitive nature, whether due to religious sentiment or not".

Such being the Law on the matter, it would not be proper for the Government to issue a notification that music should be completely stopped by processionists when they pass places of worship such as mosques, churches etc.

It will be equally improper for the Government to issue a notification that processionists may play music near places of worship without any limitation.

The right, as already stated, can be exercised only in a qualified manner and it is the duty of the Police and the Magistracy to see that persons exercising such rights do not obstruct traffic or commit a nuisance or create breaches of the peace.

In these circumstances the Government cannot find its way to accept the resolution.

The mover wants either an absolute allowance or an absolute prohibition. It is not possible for the Government to accept the resolution as framed, the law being as stated above Hence the Government are constrained to oppose this resolution.

Mr. A. Eachara Menon.—Has this right been restricted?

Mr. K. P. Kannan Nayar.—It is not an unrestricted right so that right must be exercised only subject to certain conditions. That being so the Government cannot issue a notification either absolutely prohibiting or absolutely allowing it. It is the duty of the Police and the Magistracy to see that no public nuisance is committed and that breaches of peace do not occur. It is left to their discretion. The Government cannot issue an absolute injunction order prohibiting music or issue an absolute order allowing it.

Dr. A. R. Menon.—May I know whether it is the view of the Government that music can be played before all temples and places of worship?

Mr. K. P. Kannan Nayar.—Yes. That is the law.

Mr. Joseph Pettah.—Is the Government opposing the motion?

Mr. K. P. Kannan Nayar.—Yes.

Mr. Joseph Pettah.—Sir, on a point of information. Has the Government issued orders prohibiting music in front of any place of public worship in Cochin? Is there any instance where

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the Government have issued orders prohibiting music in front of any places of public worship?

Mr. K. P. Kannan Nayar.—I do not think that the Government have issued any order.

Mr. Joseph Pettah.—Has the Diwan issued any orders in this connection?

Mr. K. P. Kannan Nayar.—My information is that no definite orders have been issued in this connection.

Mr. Joseph Pettah.—Has not the Dwian issued orders stopping music in front of the Jewish Synagogue in Mala?

Mr. T. S. Sesha Ayyar.—An order was issued, but I cannot say for certain whether it was an order for a particular occasion or a general order.

Mr. Joseph Pettah.—My information is that it is a general order. Is the Government aware of it?

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—കൊച്ചിയിൽ പള്ളിയുടെ മുമ്പിൽ കൂടി വാദ്യം കൊണ്ടുപോകുന്നതിനെ തടയരുതെന്നു് കൊച്ചി മജിസ്ട്രേട്ടും എറണാകുളത്തു് പള്ളിയുടെ മുമ്പിൽകൂടി വാദ്യംകൊണ്ടുപോകരുതെന്നു് എറണാകുളം മജിസ്ട്രേട്ടും ഉത്തരവുകൾ ഇട്ടിട്ടുള്ളതായി ശ്രദ്ധയിൽപ്പെട്ടിരുന്നോ അറിയാമോ?

Mr. T. S. Sesha Ayyar.—Government have no information.

Dr. A. R. Menon.—Will the Government Advocate tell us whether it is left to the discretion of the Police Officers or the Magistrates to decide whether permission should be given to play music before places of public worship? Is it left to the Magistrates or the Police Officers to decide or is there a general rule for their guidance, because there is discrepancy seen in various parts of the State and therefore we would like to know whether it is left to their entire discretion or whether there is any general rule for their guidance?

Mr. K. P. Kannan Nayar.—It is not left to the discretion of the Police. It is left to the discretion of the District Magistrate to see whether the playing of music in any particular instance will create a breach of peace or amount to a nuisance and if in his opinion it is so, he can prohibit the same.

Dr. A. R. Menon.—Suppose a procession has to be taken at six o' clock this evening and the District Magistrate may be in Chittur. Who will issue the order? Because there is no general rule for guidance, every case has to be judged on its own merits and if the officer to judge the question is absent, there will be very great difficulty.

Mr. K. P. Kannan Nayar.—In the absence of the District Magistrate the local Magistrate has the power.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—ഒരു മജിസ്ട്രേട്ടിനു് അതു് ആകാമെന്നും, മറെറാരു മജിസ്ട്രേട്ടിനു് അതു് മറെറ മതക്കാർക്കു് ഉപദ്രവകരമാക

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ത്താൽ പാടില്ലെന്നും ആർഡർ പാസാക്കാമൊ? അങ്ങിനെ ചെയ്യുന്നതായാൽ അതു് ന്യായമാനസരണമാകുമോ? എന്നാൽ അതു് അവരുടെ മതബോധത്തെ ഇണ്ടാക്കുന്നുമെന്നു തോന്നിയാൽ അങ്ങനെ ചെയ്യാമൊ?

Mr. K. P. Kannan Nayar.—Certainly not. Simply because it would wound the religious sentiments of other communities he cannot stop music unless it would create a breach of the peace or it would amount to a public nuisance.

Mr. K. Ayyappan.—If it will lead to riot due to the wounding of the religious belief, can he ?

Mr. K. P. Kannan Nayar.—It is his duty to prevent a breach of the peace and consistently with that duty he may allow or may not. It is left to him.

Mr. Joseph Pettah.—The definite question is, if on one occasion it is found that wounding the religious feelings may lead to a breach of the peace, will the Magistrate be justified in stopping the procession or in allowing the procession and prevent the breach of peace ?

Mr. K. P. Kannan Nayar.—I cannot give a general answer. Each case must depend upon its own circumstances. The Magistrate will form his conclusion on the circumstances of each case.

Mr. K. Ayyappan.—We want a general statement.

Mr. K. P. Kannan Nayar.—The general statement is that the public have a right to take religious processions with music. That is the general rule

Mr. K. Ayyappan.—Then why not accept this rule ?

Mr. K. P. Kannan Nayar.—The thing is, it is not an absolute right. It is a restricted right.

Mr. K. Ayyappan.—Every right is so ?

Mr. K. P. Kannan Nayar.—Yes; under Common law

Mr. A Sankara Poduval.—Sir, while I appreciate the motive of the mover of this resolution, it seems to me that existing conditions are not likely to be improved by the promulgation of a law of the nature contemplated, either allowing procesions with music in front of places of worship or absolutely forbidding them. Now processions of this description are generally religious, or social, and often of a political nature. Of course the common law right of every individual or everybody of individuals to pass through roads has been accepted. To say definitely once for all, whether processions should or should not be allowed to pass, is to ask for a very large order. Such processions may be accompanied by music, and it often happens that these processions instead of being ceremonial are rather whimsical. It is to be left to the discretion of the District Magistrate or Magistrate of the place to

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exercise his discretion in seeing whether there is any ulterior motive behind the procession, in persisting upon passing through a road in front of a Hindu temple, a mosque or a church. Under ordinary circumstances communal amity would not prevent it. But when processions of this description are meant to serve ulterior purposes and tend to create a breach of the peace then, the Magistrates and the Police control them and such discretion cannot in any way be taken away from the Magistrate in the interests of the preservation of peace. It seems to me that although it would be desirable to bring about social concord and a definite understanding upon this point, in the nature of things it is not possible to do so. Therefore legislation on these lines would not in any way improve the existing conditions. It would be best in the interests of the citizens and in the interests of the preservation of public peace to leave the discretion in the hands of the Magistrates for the time being. If nuisances are committed, peremptory steps will have to be taken to avoid not only the nuisances, but also the breach of the peace as well. But it is only in extraordinary cases that resort to such action has to be made and I, therefore, am compelled to oppose this resolution.

Dr. A. R. Menon.—Sir, I rise to support the first alternative viz.' to issue a notification to the effect that no procession need stop music before any place of worship'. This music has done enough damage and it has been very often used to create communal dissensions in this country than any other single cause. There is no use saying here that everybody has got the right. But everybody cannot make use of that right. It is the subtility of the legal mind to give you all rights and at the same time when you begin to enjoy that right you are being restrained. That sort of thing will not help any of us. I cannot conceive of any reason for the followers of any religion to obstruct the playing of music before any place of worship. Music before any place of worship is not tantamount to wounding the religious sentiments of anybody. Is music so bad that gods cannot listen to it? They say that music is a thing which approaches divinity. The joke is that music is objectionable, because this music has been made use of by the educated classes in India for the sake of creating communal disturbances with the ulterior and sinister motive of getting a few more Government appointments, places of influence or a few more seats in the various Legislative Councils. 99 out of 100 people who go about talking about music business is not, I am absolutely certain, actuated by any religious feeling. But it is only for the purpose of creating division among the communities, because a large number of people are interested in the division of communities. If there is no dissension among communities their leadership is lost. For the

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leadership it is essential that there must be differences and dissensions among the people and it so happens that the human beings, especially Indian human beings are much more easily influenced by religious passion than by any other feeling. Therefore, they directly appeal that it is an insult to their religion and therefore you must resent the action of the other communities and as you all know almost every question is stamped with communalism in this State. It is your duty to take courage in your hands and pass an enactment that religion shall hereafter no more be made a cause of dissension among communities, nor would it be allowed for the people to indulge in their communal passions. What is the fun of telling me that your prayer is interrupted by the music? That shows the shallowness of your prayer. If you were able to concentrate your attention to your prayer then music could not have obstructed you. There are mosques and churches and temples in very crowded places where all kinds of noises are always heard. If such noises and interruptions would not affect your prayer do you tell me that music alone will affect the prayer? It is nothing but a blind argument for the sake of covering the real argument of creating communal dissensions. Lately I think we have had such an example. Take the case of christianity. I have never heard anybody obstructing music being played in Christian countries, countries purely following Christian religion. In any case there never has been any such complaint there. Why should it be here? The human nature has always a tendency to imitate vices of others. There is a tendency to imitate the vices and not the virtue. We see this viceous tendency not only among the Muhammadans, but among Christian communities also, *viz.*, the spirit of resentment against playing music before churches and mosques. It is not the duty of the Government to give clear directions that every individual and every community have a a right to play music in public places? If you are so very particular remove the churches and temples away from the public thoroughfare. You cannot obstruct people from using imaginable rights and making use of public roads for legitimate purposes such as taking a marriage procession or religious procession simply because such procession might interfere with your so called religious convictions or might interfere with your prayers. Such an assumption cannot be maintained. I think it is high time that you must put an end to this by clearly enunciating that the Government will not recognise the right of anybody to obstruct other men's right in playing music in public places.

Mr. Joseph Pettah.—Sir, I rise to support this resolution. As the Hon'ble Mover has pointed out, this question of music

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has been responsible for a good deal of bloodshed in northern India; and, though it is true that we have not been so unfortunate here in Cochin, still recently at least there are signs to show that this question of music might lead to social discord even here. From what the Government Member said I am led to think that the Government policy is quite clear on general principles in this matter, that the Government have no objection whatever in public roads being utilised for processions with the necessary accompaniments. But, as the Hon'ble Member for Cheruthuruthi has very pertinently pointed out, the fact is that when occasions for exercising that right arise, there crop up so many difficulties in the way, that this right turns to be no right at all. Hence it is that a clear indication has to be given as to the definite policy of the Government in this matter. From the line of argument adopted by the Hon'ble Government Member and the Hon'ble Member for Trichur, I was led to think that it is their idea that processions are stopped, or music is stopped, only when the procession is undertaken or the music played through sinister motives and for ulterior purposes. That is to say, in the words of the Hon'ble Member for Trichur, it is only then that the Magistrate comes in. The Magistrate comes in only when there is a sinister motive or an ulterior purpose. But I understand even where there is no sinister motive at all, even where the only motive is to have a legitimate procession along a road, with the necessary and usual accompaniments of the procession, there is great objection from certain people who think, rightly or wrongly, that such things are against their religious principles or usages. Now comes the question. There is a legitimate procession which would like to go along a particular road with the necessary accompaniments and there is a party to oppose that. According to the principles of the Government, such an opposition is unreasonable. Now, the procession being reasonable and the objection being unreasonable, if any breach of the peace is anticipated the right course to be adopted by the Government is to restrain the people who would be causing a breach of the peace by obstructing the procession. If that is done in one or two instances and if it is also widely proclaimed that it is the definite policy of the Government with regard to processions, then I am sure this difficulty would disappear in a short while. (*Hear, hear*). The difficulty comes now because in many cases the Government stop processions simply because they would lead to a breach of the peace on the ground that they would be wounding the religious suceptibilities of certain people that the latter would cause obstruction, and that this obstruction would lead to a breach of the peace. It

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is not a sufficient ground for obstruction and breach of the peace Those who are obstructing the procession should be restrained and not the processionists. If this attitude is taken by the Government I am sure no difficulty would arise. The resolution seeks to elicit from the Government a general declaration of policy. It may be that they have already a general principle according to the laws of the country and the decisions of the Privy Council and so forth; but that is not understood by the general public. Generally, the public are under the impression that there are many places where music has to be stopped and, therefore, when an attempt is made to pass through such places with music, obstruction is thought to be legitimate and consequently troubles arise. So let the Government attitude in this matter be made known widely by the acceptance of this resolution. I would prefer the first part of the resolution, which says that no procession need stop music before any place of worship. I am inclined to think that, whatever be the religious persuasion of a man, he cannot say that the particular God he isworshipping would be offended by music. I cannot even imagine such a thing as God being offended by the play of music. (*Hear, hear*). Hence I would say that there would not be the least objection to taking processions with music along the front of Christian churches. Now you may ask me why then in certain places opposition is raised by the people of the locality to the taking of processions with music along the roads in front of churches. The only thing is that they find that similar processions are prohibited in front of certain other religious institutions; and that they think it is a matter of prestige to them also to prohibit music in front of their places of worship. On the contrary, I am sure, if it is allowed in front of other places of worship, Christians would not have the least objection in allowing processions with music in front of their churches too. I should think this ought to be the attitude of all people and of the Government, and that the attitude of the Government should be definitely made known to the public and measures taken to ensure its observance in practice. With these few words I support the resolution'.

Mr. K.P. Kannan Nayar.—I don't think there is much to be said by way of reply. The Government has made its position definitely clear. As I said before it is not the idea of the Governmentthat anybody should not exercise his vested rights, but in certain exceptional circumstances it will be for the Police and also the Magistracy to control the exercise of such rights even if it be legal. That is all that the Government said. The Government is not for stopping music in front of any place of

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worship. The Government has clearly said that. But if in exceptional circumstances the playing of music in particular places may lead to sinister consequences—we are not concerned with sinister motives(.....)

Mr. Joseph Pettah.—That reference relates to the remarks made by the Hon'ble Member for Trichur.

Mr. K. P. Kannan Nayar.—If it is going to lead to certain sinister consequences then it is for the Magistrate to take into account those consequences and to exercise his discretion properly either by restraining the breach of the peace or in certain exceptional cases by stopping the playing of music itself. So that the Government will find it impossible to issue a notification either absolutely prohibiting it or absolutely allowing it. That will be going against the general rule of law.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—എന്റെ യിശ്ശയത്തിന്റെ ഉദ്ദേശം ഗവമ്മെൻറ് സമ്മതിച്ചു കഴിഞ്ഞു. അക്കം ആരുടെ ദേവാലയങ്ങളുടെ മുമ്പിലും വാദ്യത്തോടുകൂടി ഘോഷയാത്ര ചെയ്യുന്നതിനു് വിരോധമില്ലെന്നാണല്ലോ ഗവമ്മെൻറ് പറയുന്നതു്. എന്നാൽ അങ്ങിനെ ഒരു കല്പന പുറപ്പെടുവിക്കാൻ പാടില്ലെന്നു പറയുന്നതിന്റെ ന്യായം മനസ്സിലാകുന്നില്ല. വാദ്യഘോഷം അനുവദിയ്ക്കണമോ വേണ്ടയോ എന്നതു് അതാതു് സ്ഥലത്തെ മജിസ്ട്രേട്ടന്മാർ തീർച്ചയാക്കുവാൻ വിടുകയാണ് ഗവമ്മെൻറ് ചെയ്യുന്നതു്. അങ്ങിനെ വിട്ടാൽ ദോഷമുണ്ടു്. ഒരു വർഗ്ഗത്തിന്റെ മതമനോഭാവത്തെ ആദരിച്ചു് മറെറാരു വർഗത്തിന്റെ വാദ്യം തടയാൻ പാടില്ലെന്നാണ് എന്റെ വാദം. അതിലാണ് ഗവമ്മെൻറ് നോട്ടിഫിക്കേഷൻ പരസ്യം ചെയ്യേണ്ടതു്. മറെറ ആവശ്യങ്ങൾ പ്രമാണിച്ചു് വാദ്യം തടയേണ്ടിവന്നാൽ അങ്ങിനെ ചെയ്യുന്നതിനു് നിയമം വേറേയുണ്ടു്. ഈ കാര്യത്തിൽ ഗവമ്മെണ്ടു് ഒരു ഖണ്ഡിതമായ നയം എടുക്കേണ്ടതാണ്. ഒരു മജിസ്ട്രേട്ടു് മതകാരണം പ്രമാണിച്ചു് ഒരു വാദ്യം തടയാൻ ഉത്തരവിട്ടു എന്നും, അതിന്മേൽ അപ്പീൽ ചീഫ് കോടതിയിൽ കൊടുത്തു എന്നും വിചാരിക്കുക. അപ്പോൾ ചീഫ് കോടതി എന്താണ് വിധി പറയേണ്ടതു്.

മിസ്റ്റർ കെ. പി. കണ്ണൻനായർ.—അതു് ചീഫ് കോടതി തന്നെ പറയണം.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—ലാ മെമ്പർ ചീഫ് ജഡ്ജിയാണെങ്കിൽ എന്തു വിധി പറയും.

മിസ്റ്റർ കെ. പി. കണ്ണൻനായർ.—ജനറലായിട്ടു ഒരു സ്റ്റേറ്റുമെൻറില്ലാതെ പറയാൻ തരമില്ല.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—ഈ കാര്യം സംബന്ധിച്ചു് ഒരു തീർച്ചയായ നയം ഗവമ്മെണ്ടിനു് വേണ്ടതാണ്. ലാ മെമ്പർ ഉദ്ദേശി

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ച്ച അലഹബാദ് വിധി ഇവിടെ തക്ക ഒരു തീരുമാനമുണ്ടാക്കുന്നില്ല. കൊച്ചി മജിസ്ട്രേട്ടും എറണാകുളം മജിസ്ട്രേട്ടും ഓരോ ഉത്തരവുകൾ വാദിതക്കം സംബന്ധിച്ച് പുറപ്പെടുവിച്ചതുകൊണ്ടുതന്നെ ഈ കാര്യം മജിസ്ട്രേട്ടന്മാരുടെ യുക്തത്തിനു വിടുന്നതു നന്നായിരിക്കയില്ലെന്നു തെളിയുന്നുണ്ട്. ഈ തക്കം സംബന്ധിച്ചുള്ള വിഷമം അധികവും നേരിടുന്നതു് ശക്തി കുറഞ്ഞ സമുദായങ്ങൾക്കാണ്. പ്രബലന്മാരുടെ വാദിനു തുരും തടയുകയില്ല. മതമനോഭാവത്തെ ആദരിക്കണമെന്നുള്ളതു് ഒരു സമുദായക്കാരുടേ മാത്രം പോരാ; എല്ലാ സമുദായക്കാരുടേയും വേണം. ഒരു സമുദായക്കാരുടെ വാദ്യം മറെറാരു സമുദായക്കാരുടെ ദേവാലയത്തിനു മുമ്പിൽ നിറുത്തിയില്ലെങ്കിൽ—ഈ രണ്ടാമത്തെ കൂട്ടരുടെ മതമനോഭാവത്തിനു് അനാദരമാകുമെങ്കിൽ—അങ്ങനെ നിറുത്തുന്നതു് ആദ്യത്തെ കൂട്ടരുടെ മത മനോഭാവത്തിനു് അനാദരമാകുമെന്നും ഓർക്കണം.. രണ്ടാമത്തെ കൂട്ടരുടെ വാദ്യം ആദ്യത്തെ കൂട്ടരുടെ ദേവാലയത്തിനു് മുമ്പിലും നിറുത്തണം. അങ്ങനെയൊന്നുമല്ല ഇപ്പോൾ നടക്കുന്നതു്. ചിലർ നിറുത്തണം, ചിലർ നിറുത്തേണ്ടാ ഇങ്ങനെ വരുന്നതാണു് കുഴപ്പത്തിനു് കാരണം. അതുകൊണ്ടു് എന്റെ നിശ്ചയത്തിൽ പറയുന്ന രണ്ടിലേതെങ്കിലും ഒന്നു് ഗവണ്മെൻറു് ചെയ്യണമെന്നപേക്ഷിച്ചുകൊണ്ടു് ഈ നിശ്ചയത്തെ ഞാൻ വോട്ടിനിടുവാൻ ആവശ്യപ്പെടുന്നു.

Resolution put and carried.

Resolutions withdrawn (Nos. 15 and 16).

The following resolutions were not moved and so they were considered withdrawn.

15. Mr. K. Mohammad Seethi.—"*This Council recommends to the Government that subjects relating to motherhood and the nursing of children might be compulsorily included in the curriculam of studies in our girls' schools*",

16. Mr. Joseph Pettah.—"*That this Council recommends to the Government that the system of 'Occasional Second Crop Assessment' now prevailing in the State be abolished*".

17. Tanadars and watchers.

Mr. T. A. Ramachandra Ayyar.—Sir, The resolution standing in my name reads thus.—"This Council recommends to the Government that the Tanadars and Watchers of the Forest Department who have put in more than 10 years' service must be made permanent".

ഇതുപോലെ ഒരു പ്രമേയം ഇതിനുമുമ്പു് ഒരു കൌൺസിലിൽ അവതരിപ്പിയ്ക്കുകയും, അതു പാസാക്കുകയും ചെയ്തിട്ടുണ്ടു്. അന്നും ഗവണ്മെണ്ടു് ഇതിനെ എതിർക്കുകയുണ്ടായി. അതിനുള്ള കാരണം തിരുവിതാംകൂറിലും ബ്രീട്ടീഷു് ഇന്ത്യയിലും ഉള്ള

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